IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

Bail Appl..No. 6819 of 2007()

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CMP.9054/2007 of J.M.F.C.-II,KOTTARAKKARA
CRIME NO.180/07 OF KADAKKAL POLICE STATION

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PETITIONER : 7TH ACCUSED:

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A.DILSHAD, S/O.AMAN,
POONTHRANVILAKOM VEEDU, THAZHEVETTOOR,
VARKALA VILLAGE, CHIRAYINKEEZHU TALUK.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT:

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STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICEL KADAKKAL POLICE STATION,
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A. NO. 6819 of 2007

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**Dated this the 12th day of November, 2007**

**ORDER**

Application for regular bail. The petitioner faces allegations for offences punishable, inter alia, under Secs. 364A and 120B of the IPC. The petitioner was arrested on 24/10/07. He continues in custody from that date.

2. The crux of the allegations against the petitioner is that the de facto complainant had a monitory dispute with the 1st accused. Because of such strain in their relationship, the 1st accused had entered into a conspiracy along with other accused. Accused 2 to 10 were engaged to perform the physical act of taking away the victim in a Qualis car to a place where he was detained secretly. He had attempted to escape from custody. He was allegedly manhandled. The petitioner had come to this Court earlier with an application for anticipatory bail. By order dated 16/10/07 in B.A.No.6152/07, that application was dismissed. The

petitioner had later surrendered before the learned Magistrate on 24/10/07. He continues in custody from that date. He was given over to the police custody. He was allegedly interrogated and some recoveries were effected also, it is submitted. Altogether, there are 13 accused persons. Accused 1, 7 and 11 to 13 alone have been apprehended so far. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He prays that he may be enlarged on bail.

3. The learned Public Prosecutor opposes the application for regular bail. The learned Public Prosecutor submits that the co-accused have not been arrested so far. The police have had no reasonable and sufficient time, after the arrest of the petitioner, to complete the investigation. It is true that two of the accused persons i.e., accused 12 and 13 have already been granted regular bail by this Court. They were released on bail after they spent a long period of time in custody. In these circumstances, the petitioner may not be enlarged on bail now

submits the learned Public Prosecutor.

4. I have considered all the relevant inputs. While I find merit in the submission of the learned Public Prosecutor that the police is entitled for reasonable time after the arrest of the petitioner to complete the investigation, I am not persuaded to agree that the petitioner must be compelled to remain in custody endlessly to facilitate completion of the investigation. Reasonable further time can be granted to the police to complete the investigation. The petitioner can now be granted regular bail subject to appropriate conditions, I am satisfied.

5. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 22/11/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the

like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

**(R. BASANT, JUDGE)**

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P.S. to Judge